

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ALI SHAHROKI, T. MATTHEW PHILLIPS,  
  
Plaintiffs,  
  
v.  
  
MATHEW HARTER,  
  
Defendant.

Case No. 2:21-cv-00557-APG-BNW  
  
**ORDER GRANTING MOTION TO  
DISMISS**  
  
[ECF No. 8]

Defendant Judge Mathew Harter moves to dismiss this case because the plaintiffs fail to state a justiciable claim. ECF No. 8. I agree.

The plaintiffs previously filed a complaint against Judge Harter with the Nevada Commission on Judicial Discipline. ECF No. 1 at 3.<sup>1</sup> That Commission denied the complaint. *Id.* Disappointed with that result, the plaintiffs filed this lawsuit seeking to remove Judge Harter from the state court bench to ensure a “fair judiciary” for the public. ECF No. 1 at 3. The plaintiffs have no case pending before Judge Harter. ECF No. 15 at 2. Rather, they seek relief on behalf of all “up-standing litigants.” *Id.* at 3.

The Supreme Court has “consistently held that a plaintiff raising only a generally available grievance about government—claiming only harm to his and every citizen’s interest in proper application of the Constitution and laws, and seeking relief that no more directly and tangibly benefits him than it does the public at large—does not state an Article III case or

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<sup>1</sup> Article 6, Section 21 of the Nevada Constitution “plainly grants the Commission [on Judicial Discipline] the exclusive authority to remove a judge from office with only one exception, the legislative power of impeachment . . . .” *Ramsey v. City of N. Las Vegas*, 392 P.3d 614, 616 (Nev. 2017).

1 controversy.” *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 573-74 (1992). *See also Vill. of Arlington*  
2 *Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 263 (1977) (“In the ordinary case, a party is  
3 denied standing to assert the rights of third persons.”). The plaintiffs have no case pending  
4 before Judge Harter, so they cannot show they have suffered particularized and concrete injury in  
5 fact. They thus lack standing to assert these claims. *Spokeo, Inc. v. Robins*, 578 U.S. 330, 339-40  
6 (2016).

7 I THEREFORE ORDER that the defendant’s motion to dismiss **(ECF No. 8) is granted**.  
8 The clerk of the court is directed to enter judgment in favor of the defendant and against the  
9 plaintiffs and to close this file.

10 DATED THIS 31st day of January, 2022.

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UNITED STATES DISTRICT JUDGE  
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